उत्तर प्रदेश शासन

राजस्व अनुभाग-1

संख्या-01/मु0स0-06/एक-1-2018-राजस्व-1

लखनऊः दिनॉकः 02 फरवरी, 2018

<u>कार्यालय-ज्ञाप</u>

मा0 उच्च न्यायालय, इलाहाबाद में योजित क्रिमिनल मिस रिट याचिका संख्या-1628/2018 मोहित बनाम उत्तर प्रदेश राज्य व अन्य में मा0 उच्च न्यायालय द्वारा दिनॉक 25-01-2018 को निम्नलिखित आदेश पारित किये गयेः-

This petition for writ is before us with a prayer to direct the Commissioner, Kanpur Region, Kanpur to decide the appeal preferred by the petitioner as per provisions of Section 6 of the Uttar Pradesh Control of Goondas Act, 1970 (hereinafter referred to as "Act, 1970") expeditiously.

From perusal of the facts stated in the petition, it reveals that District Magistrate, Etawah vide order dated 27.11.2017 passed an order of externment pertaining to petitioner from the territorial jurisdiction of District Etawah for a period of 6 months.

Aggrieved by the same, the petitioner preferred an appeal before Divisional Commissioner that came up for admission on 20.12.2017. The Commissioner without assigning any reason dismissed the application seeking interim relief and fixed the appeal for hearing on 24.01.2018.

Grievance of the petitioner is that an appeal under Section 6 of the Act, 1970 requires immediate hearing and disposal as that ultimately effects fundamental rights of a citizen. It is asserted that no cause was there for adjourning the appeal for more than a month and rejecting the stay application without assigning reasons.

We have looked into the order passed by Divisional Commissioner dated 20.12.2017. Under the order aforesaid, Appellate Authority, while calling records of the case, fixed the appeal for hearing on 24.01.2018. The Appellate Authority under the same order without assigning any reason rejected the stay application too. The rejection of the stay application ipse dixit is apparently bad. The Appellate Authority should have supported its findings by adequate reasons. It is also relevant to state that an appeal against an order of externment certainly deserves expeditious disposal by due application of mind. Such appeals in normal course should not be adjourned for a long period as adjourned in the instant matter.

In view of whatever stated above, we deem it appropriate to dispose of this writ petition by directing the Appellate Authority to decide the appeal preferred by the petitioner within a period of one week from the date the petitioner produces a certified copy of this order before him. If the Appellate Authority for any just cause fails to decide the appeal within the period aforesaid, then the Appellate Authority shall give adequate reasons for that and shall also reconsider the stay application afresh and decide the same by a reasoned and speaking order.

While parting with the case, we would like to state that everyday a good number of writ petitions are coming before this Court with a prayer for early disposal of the appeals under Section 6 of the Act, 1970 and also against dismissal of the stay applications without assigning any reason. It is stated that the Appellate Authorities under Section 6 of the Act, 1970 are not hearing the appeals expeditiously.

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Having considered the facts brought to our notice, Chief Secretary to the Government of Uttar Pradesh is directed as follows:-

(a) An office memorandum be issued immediately directing all the Divisional Commissioners having quasi judicial powers to spare at least 90 minutes on every working day to discharge their quasi judicial functions. For this purpose, a specific time in working hours be earmarked and be notified.

(b) All the Divisional Commissioners be directed not to adjourn the matters casually. No appeal under Section 6 of the Act, 1970 be adjourned for a period of more than 10 days without assigning just, appropriate and adequate reason.

(c) The Divisional Commissioners be directed to make all efforts to decide the appeals under the Act, 1970 expeditiously as far as possible within a period of one month from the date of their presentation.

उक्त के आलोक में अधोहस्ताक्षरी को यह कहने का निदेश हुआ है कि उत्तर प्रदेश कन्ट्रोल ऑफ गुन्डाज एक्ट, 1970 की धारा-6 द्वारा स्थापित अपीलीय व्यवस्था के आलोक में मण्डलायुक्तों द्वारा मा0 उच्च न्यायालय द्वारा पारित उपर्युक्त दिशा-निर्देशों का कड़ाई से प्रत्येक दशा में अनुपालन सुनिश्चित किया जाय।

समस्त मण्डलायुक्त
उत्तर प्रदेश।

राजीव कुमार
मुख्य सचिव।
उत्तर प्रदेश शासन।

संख्या एवं दिनाँक तदैव।

उक्त की प्रति निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1. प्रमुख सचिव, गृह विभाग, उत्तर प्रदेश शासन।
2. आयुक्त एवं सचिव, राजस्व परिषद, उत्तर प्रदेश, लखनऊ।
3. पुलिस महानिदेशक, उत्तर प्रदेश।
4. महानिदेशक, अभियोजन, उत्तर प्रदेश।
5. समस्त जिलाधिकारी, उत्तर प्रदेश।
6. मुख्य स्थायी अधिवक्ता, मा0 उच्च न्यायालय, इलाहाबाद।

आज्ञा से,

(सुरेश चन्द्रा)

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प्रमुख सचिव।

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